

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action dated April 19, 2006 ("the Office Action"). In the Office Action, the Examiner rejected Claims 8 – 10 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication Number 2002/0102989 A1 to Calvert *et al.*; Claim 1 – 7, 11 – 12, 14 – 16, 19 – 31 and 46 – 49 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication Number 2002/0102989 A1 to Calvert *et al.* in view of U.S. Patent Publication Number 2003/0035544 to Herle *et al.*; Claims 50, 52, 54 – 55, 57 and 59 – 61 as being obvious over U.S. Patent Publication Number 2002/0102989 A1 to Calvert *et al.* in view of U.S. Patent Number 6,049,718 to Stewart; Claims 13, 17 – 18, 51 and 53 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication Number 2002/0102989 A1 to Calvert *et al.* in view of Patent Publication Number 2003/0035544 to Herle *et al.* and further in view of U.S. Patent Number 6,049,718 to Stewart; and Claims 56 and 58 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication Number 2002/0102989 A1 to Calvert *et al.* in view of U.S. Patent Number 6,049,718 to Stewart and further in view of U.S. Patent Number 6,665,611 to Oran *et al.* In response, Applicants make the above amendments and the following remarks.

For purposes of clarity, and without intending to abandon or to dedicate to the public any patentable subject matter, Claims 8 – 31 and 46 – 49 are hereby cancelled. Claim 1 is amended to correct a punctuation error. No claims are added. Therefore, **Claims 1 – 7 and 50 – 61 are currently pending.** As set forth more fully below, reconsideration and allowance of the pending claims are respectfully requested.

The present invention is directed to a system and method that provides location information, location related information or both, to a first communication device, a second communication device or both. At least one communication network supports communication between the first communication device and the second communication device. Importantly, there is a location service center node connected to the communication network that receives requests for location information, location related information or both,

validates the request and delivers the location information, location related information or both, to the requesting one of the first and second communication devices.

The first and second communication devices may be any type of communication device, including, but not limited to, a landline telephone, a wireless telephone and a VoIP telephone. Further, this invention provides location information, location related information or both to a called telephone as part of the call set up. Advantageously, location information, location related information or both regarding the called telephone may be delivered to the calling telephone.

Claims 1 – 7, stand rejected under 35 U.S.C. §103(a) as being obvious under U.S. Patent Publication Number 2002/0102989 to Calvert *et al.* (*herein “Calvert”*) in view of U.S. Patent Publication Number 2003/0035544 to Herle *et al.* (*herein “Herle”*). Applicants respectfully assert that *Calvert* and *Herle* do not teach or suggest applicants’ invention. Further, Applicants respectfully assert that there is not teaching or suggestion in either *Calvert* or *Herle* that these two references can be combined.

Calvert discloses a method and apparatus for determining a precise location of a wireless communications device by asking the user of the communications device where he or she is. The user’s manual input is then delivered back to the system infrastructure, which conveys the manual input to a target device. *See Calvert* paragraph [0020]. Such location request may originate from the system infrastructure or from a requesting device. The target device is usually the requesting device. *Calvert*, paragraph [0034]. *Calvert* teaches that when the requesting device is also the communications device to be located, the target device is another communications device. *Calvert*, paragraph [0034]. In fact, *Calvert* teaches that, when the requesting device is also the device to be located, the user may bypass the method taught in *Calvert* and the user can just enter and send location information to the target device. *Calvert*, paragraph [0036].

In contrast, Applicants’ invention, as claimed in claim 1, enables a user of a first communication device or a second communication device to request the location of either the first communication device or the second communication device. Applicants’ invention can answer the question “where am I located?” *Calvert* specifically asks the question “where are

you located?” *Calvert*, paragraph [0039]. As argued in Applicants’ response to the first office action, *Herle* does not disclose or suggest Applicants’ system or method for providing location information to either or both of a first and a second communication device, either.

For this reason alone, Applicants’ invention, as claimed in claim 1 is patentable over the combination of *Calvert* in view of *Herle*.

Applicants further submit that there is no teaching or suggestion in either *Calvert* or *Herle* that it would be desirable to combine the two references. *Calvert* specifically teaches determining locations of communications devices by asking the user of the device where he or she is. As the Examiner correctly points out, *Calvert* is silent about request validation. It is likely that *Calvert* is silent about validation because *Calvert* specifically asks the user of the communications device where he or she is. Such request provides sufficient validation.

In contrast, *Herle* automatically tracks a mobile station and records the location on an Internet-based mobile station location server. The user of the mobile station is not necessarily aware of the tracking. Further, any client access device connected to the Internet can access the mobile station location server. Therefore, the request must be validated to prevent unauthorized location requests. Such validation is not required in *Calvert*. Thus, there is no motivation for combining *Calvert* with *Herle*. Therefore, Applicants’ independent claim 1 is patentable.

Claims 2 – 7 depend from allowable claim 1 and are therefore likewise allowable.

For the forgoing reasons, Applicants’ invention as claimed in claims 1 – 7 is not obvious over *Calvert* in view of *Herle*. Withdrawal of this rejection and allowance of these claims is respectfully requested.

Claims 50, 52, 54, 55, 56 and 59 – 60 stand rejected under 35 U.S.C. §103(a) as being obvious under *Calvert* in view of U.S. Patent Number 6,049,718 to Stewart (*herein* “*Stewart*”). Specifically, the Examiner relies on *Stewart* for the proposition that “Stewart teaches delivering a call setup signal to the second communication device, the call set up signal including information from the first communication device (see col. 4, lines 8 – 15).” Office action, page 9, lines 14 – 16. It is respectfully submitted that this is an incorrect interpretation of the cited passage in *Stewart*. In the cited paragraph, *Stewart* states:

The incoming call, in particular the incoming call data in the form of an incoming location request code and optionally a re-location request code, is then transmitted (210) to the called portable telephone 28.

The “data” in *Stewart*’s incoming call is a “location request code” and/or a “re-location request code.” The “location request code” comprises a request for the mobile device to transmit its location (derived from an internal GPS receiver). Col. 4, lines 24 – 44. The “re-location request code” comprises a request for the mobile device to transmit its location periodically. Col. 6, lines 50 – 51. The purpose of determining the location of the caller is to compare it to the location of the portable telephone. Col. 8, lines 12 – 47.

This is not the same as “delivering a call set up signal to said second communication device, said call set up signal including the location of the first communication device.” There is no location data sent in the incoming call data in *Stewart*, only a request for the mobile device to transmit data. Therefore, applicants’ claim 50 is not obvious over *Calvert* in view of *Stewart*, and thus patentable.

Claims 52, 54, 55, 57 and 59 – 60 depend directly or indirectly from allowable claim 50 and are therefore likewise allowable.

Claims 51 and 53 stand rejected under 35 U.S.C. §103(a) as being obvious under *Calvert* in view of *Stewart* and further in view of *Herle*. Claims 51 and 53 depend from allowable claim 50 and are therefore allowable.

Claims 56 and 58 stand rejected under 35 U.S.C. §103(a) as being obvious under *Calvert* in view of *Stewart* and further in view of U.S. Patent Number 6,665,611 to Oran, et al. Claims 56 and 58 depend from allowable claim 50 and are likewise allowable.

The application now appearing to be in form for allowance, entry of this amendment and early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

/Michael B. Johannesen/
Michael B. Johannesen, Reg. No. 35,557
Intrado
1601 Dry Creek Drive
Longmont, Colorado 80503

Telephone: (630) 430-1502

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